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January 3, 2020

**VIA ECF**

Hon. Loretta A. Preska  
United States District Court  
Southern District of New York  
500 Pearl Street  
New York, NY 10007-1312

Re: *United States v. Steven Donziger*, No. 19-cr-561 (LAP) [11-cv-691]

Dear Judge Preska:

I write on behalf of the United States in response to the defense's December 31, 2019 letter to the Court.

With respect to the defense's unsourced claim that a Seward & Kissel LLP ("Seward") law partner "was a member of Chevron's Board of Directors as recently as 2018," that is simply false. Chevron, a publicly-traded company, publishes the members of its Board of Directors in annual reports publicly available on its website and in SEC filings. Attached as Exhibit A are excerpts from Chevron's annual reports for the last 5 years, which contain the names, photos and occupations of the Board members. No Seward law partner's name appears because no Seward partner is or was on the Board, a fact that the defense could easily have verified from public filings.

With respect to the defense's claim that (a) two Seward clients receive funding from an entity whose Vice Chairman happens to be on the Chevron Board, and (b) a Seward client receives income from Chevron, even if true this creates no conflict or conflicting loyalty for the prosecution team in this criminal case. In that regard, prior to taking on this representation, Seward performed appropriate conflict checks (as it does before taking on any representation). The prosecution team does not have "conflicting loyalties" that "call[] into question the objectivity of those charged with bringing a defendant to judgment." *Young v. United States ex rel. Vuitton Et Fils S.A.*, 481 U.S. 787, 809-10, 813-14 (1987) (holding it was reversible error for a court to appoint counsel for an interested party—i.e., private counsel for the beneficiary of a court order in the underlying civil action—as the criminal contempt prosecutor charging a violation of that court order).

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With respect to the defense's question regarding "the extent to which Judge Kaplan has played or is playing a continuing role in this prosecution," the answer is the same as it was when defense counsel posed that question to the prosecution in a meeting on September 19, 2019: the prosecution does not work for Judge Kaplan and makes its own decisions in this case.

Respectfully submitted,

*s/Rita M. Glavin*

Rita M. Glavin  
Special Prosecutor

cc: Andrew J. Frisch